

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3145 of 2017

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Awadhesh Kumar Singh S/o Late Ram Udar Singh, Resident of Village- Aura,
P.S.- Tariyani, District- Sheohar, presently posted as Assistant Teacher at Upgraded
Middle School, Patiyasa Jalal, Bochahan, District- Muzaaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director, Primary Education, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Tirhut Division, Muzaaffarpur.
4. The District Education Officer-cum Chairman of District Education
Establishment Committee, Muzaaffarpur.
5. The District Programme Officer, (Establishment), Muzaaffarpur.
6. The Headmaster, Upgraded Middle School, Patiyasa Jalal, Bochahan, District-
Muzaaffarpur.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 3174 of 2017

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Nagendra Mishra, S/o Late Jai Kant Mishra, resident of Village- Dhanaur, P.S.-
Kabra, District- Muzaaffarpur, presently posted as Assistant teacher at Upgraded
Middle School, Khalikpur, Bochahan, District- Muzaaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Tirhut Division, Muzaaffarpur.
4. The District Education Officer-cum-Chairman of District Education
Establishment Committee, Muzaaffarpur.
5. The District Programme Officer (Establishment), Muzaaffarpur.
6. The Headmaster, Upgraded Middle School, Khalikpur, Bochahan, District-
Muzaaffarpur.

.... Respondent/s

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Appearance :

(In CWJC No.3145 of 2017)

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate

For the Respondent/s : Mr. Kameshwar Kumar, GP-7

(In CWJC No.3174 of 2017)

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate

For the Respondent/s : Mr. Madhaw Pd. Yadav, GP- 23

Mr. Rajesh Kr. Sinha, AC to GP-23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 05-12-2017



Heard learned counsel for the petitioners and State.

2. Since the common question of facts and law are involved in both the writ applications, with the consent of parties, both the writ applications have been heard and are being disposed of by a common order.

3. Mr. Shashi Bhushan Singh, counsel for the petitioners submits that during the pendency of the writ applications, the respondents have taken a decision and issued office order dated 04.08.2017 whereby the petitioners have been granted promotion along with others notionally w.e.f. 11.01.2017. Mr. Singh submits that the respondents cannot take advantage of their own wrong and deny the salary for the aforesaid period, as headmaster, in view of the fact that the delay in the matter of granting promotion to the petitioners is attributed to the respondents.

4. It is well settled principle of law that no person should suffer for the lapse of the respondents in the decision making process. Admittedly, in the present case, the delay is attributed to the respondents and as such the petitioners cannot be made to suffer, so far as a monetary benefit arising out of that promotion is concerned.

5. Accordingly, both the writ applications are allowed and the respondents are directed to take decision for grant of salary of the headmaster from the date, the petitioners have been granted



promotion on the post of headmaster w.e.f. 11.01.2017 within a period of four months from the date of receipt/production of a copy of this order. The respondents are also directed to take a decision for grant of monetary benefits to all similarly circumstanced, irrespective of the fact they have not filed writ petition under Bihar Litigation Policy, 2011.

6. With the aforesaid observations and directions, both the writ applications are allowed.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.12.2017
Transmission Date	NA

